

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

FILED  
IN COURT  
ASHEVILLE, N.C.  
DEC 07 2007  
U.S. DISTRICT COURT  
W. DIST. OF N.C.

CRIMINAL NO. 1:07CR106

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
v. )  
)  
HENDERSON AMUSEMENT, INC. )  
)  
Defendant. )

**CONSENT ORDER AND  
JUDGMENT OF FORFEITURE**

WHEREAS, the defendant, HENDERSON AMUSEMENT, INC, by and through its president, JAMES OTIS HENDERSON, has entered into a plea agreement (incorporated by reference herein) with the United States and has voluntarily pleaded guilty pursuant to Federal Rule of Criminal Procedure 11 to one or more criminal offenses under which forfeiture may be ordered;

WHEREAS, the defendant and the United States stipulate and agree that the property described below constitutes property derived from or traceable to proceeds of the defendant's offense(s) herein; property involved in the offenses, or any property traceable to such property; and/or property used in any manner to facilitate the commission of such offense(s); and is therefore subject to forfeiture pursuant to 18 U.S.C. § 924(d), 18 U.S.C. § 982, 18 U.S.C. § 1955(d), 21 U.S.C. § 853, 18 U.S.C. § 2253, 26 U.S.C. § 5872, and/or 28 U.S.C. § 2461(c);

WHEREAS, the defendant herein waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant;

WHEREAS, pursuant to Federal Rules of Criminal Procedure 32.2(b)(1) & (c)(2), the Court finds that there is the requisite nexus between the property and the offense(s) to which the defendant has pleaded guilty and/or that a personal money judgment in the amount of criminal proceeds may be entered and that the defendant has a legal interest in the property;

WHEREAS, the undersigned United States Magistrate Judge is authorized to enter this Order by the previous Order of this Court No. 3:05MC302-C (September 8, 2005).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

The following property is forfeited to the United States:

**The sum of approximately \$165,000 in United States Currency, seized on or about May 17, 2005, at the HENDERSON AMUSEMENT, INC., facility at 134 Banks Road, Kings Mountain, North Carolina;**

**The sum of approximately \$7,616 in United States Currency seized from HENDERSON AMUSEMENT, INC., on or about April 4, 2004, in Boiling Springs, North Carolina;**

**All video gaming machines, and all video gaming machine components and cabinets, seized between October 1, 2000 and the date of entry of the plea agreement, that are currently in the custody of any federal law enforcement agency, or any North Carolina state, county, or local law enforcement agency.**

**All title and interest in the following real property:**

- a) 134 Banks Road, Kings Mountain, North Carolina, and found in Cleveland County Deed Book 1308, Page 2312;**
- b) 918 Long Branch Road, Grover, North Carolina, and found in Cleveland County Deed Book 1340, Page 1007;**
- c) 100 Malibu Drive, Spartanburg, South Carolina, and found in Spartanburg County Deed Book 75C, Page 739;**
- c) 11064 Asheville Highway, Inman, South Carolina, and found in Spartanburg County Deed Book 81A, Page 058.**

The United States Marshal and/or other property custodian for the investigative agency is authorized to take possession and maintain custody of the above-described tangible property.

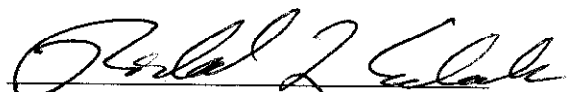
**A personal money judgment of forfeiture in the amount of \$10,000,000.00, jointly and severally with James Otis Henderson, and Barron Sloan Henderson, shall be included in the sentence of the defendant, and the United States Department of Justice may take steps to collect the judgment from any property, real or personal, of the defendant, in accordance with the substitute-asset provisions of 21 U.S.C. § 853(p).**

Upon the seizure of any property to satisfy all or part of the judgment, the United States shall, to the extent practicable, provide direct written notice to any persons known to have alleged an interest in the seized property, and shall publish notice of this forfeiture as required by 21 U.S.C. § 853(n) and the aforementioned Order of this Court No. 3:05MC302-C (September 8, 2005).

Any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered, as provided by Fed. R. Crim. P. 32.2(c)(2). If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

GRETCHEN C. F. SHAPPERT  
UNITED STATES ATTORNEY

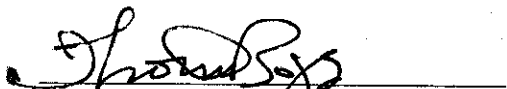


RICHARD EDWARDS  
Assistant United States Attorney



HENDERSON AMUSEMENT, INC,  
Defendant,

By and through its President,  
JAMES OTIS HENDERSON,



THOMAS A.M. BOGGS  
Attorney for Defendant

This the 7<sup>th</sup> day of December, 2007,

  
DENNIS L. HOWELL  
UNITED STATES MAGISTRATE JUDGE